

03/05/03

Resp/inst B

PATENT APPLICATION
Docket No.: 1735.2.2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ron McCabe et al.
Serial No.: 09/438,184
Filed: November 11, 1999
For: FLEXIBLE REMOTE DATA MIRRORING
Examiner: Dung C. Dinh (Art Unit 2153)

RESPONSE

The Honorable Commissioner of
Patents & Trademarks
Washington, D. C. 20231

Commissioner:

In response to the Office Action mailed January 2, 2003, Assignee MiraLink respectfully submits the following remarks, and requests favorable reconsideration of the application.

Another corresponding application has been granted

In Egypt, the corresponding application was granted as Patent No. 22201 on October 27, 2002.

Major points were ignored in the Second Office Action

The Second Office Action (mailed 1/2/2003) states "Applicant's arguments filed 10/28/2002 have been fully considered but they are not persuasive." However, aside from a few new points which are separately addressed later in this response, the Second Office Action merely repeats verbatim from the First Office Action (mailed 9/4/2002), without even addressing several of assignee's intervening arguments.

For example, in response to the First Office Action, assignee argued on pages 5-6 of the Amendment (filed 10/28/2002) that the Ohran - Double-Take combination was improper because the combined technologies would apparently conflict with each other,